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Technology Center 2100

In re Application of: Arnouse)
Application No. 10/647,080)
Filed: August 22, 2003)
For: SYSTEM AND METHOD FOR)
NETWORK SECURITY)
) DECISION ON PETITION TO MAKE
) SPECIAL UNDER 37 C.F.R. §1.102(d)
) AND M.P.E.P. §708.02(XI)

This is a decision on the petition to make special filed August 22, 2003 under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02(XI): Inventions For Countering Terrorism.

The petition is **DISMISSED**.

M.P.E.P. §708.02(XI), which sets forth the prerequisites for a grantable petition for Inventions For Countering Terrorism under 37 C.F.R. § 1.102(d), states in relevant part:

International terrorism as defined in 18 U.S.C. 2331 includes "activities that - (A) involve violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State, or that would be a criminal violation if committed within the jurisdiction of the United States or of any State; [and] (B) appear to be intended - (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by assassination or kidnapping..." The types of technology for countering terrorism could include, but are not limited to, systems for detecting/identifying explosives, aircraft sensors/security systems, and vehicular barricades/disabling systems.

Applicants who desire that an application relating to inventions for countering terrorism be made special should file a petition with the petition fee under 37 CFR 1.17(h) requesting the U.S. Patent and Trademark Office to make the application special. The petition for special status should be accompanied by a statement explaining how the invention contributes to countering terrorism.

Petitioner's submission fails to meet the criteria set out with respect to countering terrorism in M.P.E.P. §708.02(XI). The claimed invention and specification are generally directed to a method and system of biometric based identification cards with distributed information stores along with GPS location of the presentation location of the identification cards. Implementation on a computer system an interactive biometric identification and tracking system does not

directly prevent "violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State" or activities that would "be a criminal violation if committed within the jurisdiction of the United States or of any State". Furthermore, implementing on a computer system an interactive biometric identification and tracking system does not directly prevent acts that appear to be intended "to intimidate or coerce a civilian population", "influence the policy of a government by intimidation or coercion", or "affect the conduct of a government by assassination or kidnapping".

Although it can be said that a computer implemented interactive biometric identification and tracking system may limit acts of terrorism, the method and system disclosed do not teach directly preventing potential terrorist acts by identifying terrorists, identifying an individual as a terrorist or one who will perform a terrorist act.

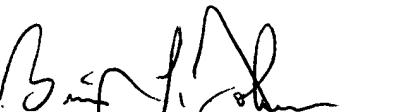
Petitioner fails to establish a sufficient nexus between the disclosed and claimed invention and preventing violent acts or acts dangerous to human life that are a violation of the criminal laws of the United States or of any State or activities that would be a criminal violation if committed within the jurisdiction of the United States or of any State, or preventing acts that appear to be intended to intimidate or coerce a civilian population, influence the policy of a government by intimidation or coercion, or affect the conduct of a government by assassination or kidnapping.

As a result, no advancement in the technology of countering terrorism has been persuasively shown.

Accordingly, the petition is **DISMISSED**. The application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.

Any request for reconsideration must be filed within TWO MONTHS of the mailing date of this decision.

It is suggested that Applicant review M.P.E.P. §708.02 regarding other grounds available for filing a petition to make special. In particular, note M.P.E.P. §708.02(VIII): Accelerated Examination, which does not place limitations on the subject matter of the application.


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